

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

SANDPIPER CONDOMINIUM COUNCIL)	CASE NO: 2:18-CV-00414
OF CO-OWNERS, INC.,)	
)	CIVIL
Plaintiff,)	
)	Corpus Christi, Texas
vs.)	
)	Wednesday, June 26, 2019
LEXINGTON INSURANCE COMPANY,)	
)	(11:35 a.m. to 12:25 p.m.)
<u>Defendant.</u>)	

PRE-MOTION CONFERENCE

BEFORE THE HONORABLE NELVA GONZALES RAMOS,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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Court Recorder: Genay Rogan

Clerk: Brandy Cortez

Court Security Officer: Adrian Perez

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P.O. Box 18668
Corpus Christi, TX 78480-8668
361 949-2988

Proceedings recorded by electronic sound recording;
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APPEARANCES:

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1 Corpus Christi, Texas; Wednesday, June 26, 2019; 11:35 a.m.

2 (Call to order)

3 **THE COURT:** Court calls Cause Number 2:18-cv-414,
4 *Sandpiper Condominium Council versus Lexington Insurance*
5 *Company*. And I apologize for the wait, counsel. I had a bunch
6 of sentencings this morning that ran over. So if the
7 Plaintiffs will announce for the record?

8 **MR. CHRISS:** William Chriss and Katherine Snapka for
9 the Plaintiff, Sandpiper Condominium Council of Owners.

10 **THE COURT:** Okay. And the Defendant appearing by
11 phone, Mr. Dennis, correct?

12 **MR. DENNIS:** Yes, James Dennis for Lexington
13 Insurance Company.

14 **THE COURT:** All right. And then, Mr. McKinney,
15 you're appearing. I know you have filed a motion to quash for
16 a third party. I'm not sure, maybe since you're on now we can
17 address that. I don't know if there's been a response on that
18 yet. But anyway let's proceed. This was a -- set as a pre-
19 motion conference because the Plaintiff had requested some time
20 from the Court regarding maybe a motion to compel and so I'm
21 going to let Mr. Chriss proceed.

22 **MR. CHRISS:** Yes, your Honor. I'm not sure we need
23 Mr. McKinney because it's my understanding that we actually
24 agreed to resolve the motion to quash that he filed for a
25 nonparty.

1 **THE COURT:** Okay.

2 **MR. CHRISS:** So we might want to start with that.

3 **THE COURT:** Okay. So, Mr. Dennis, anything on that?

4 **MR. DENNIS:** Yes, your Honor. This is James Dennis
5 for Lexington. I've spoken with Mr. McKinney and we have
6 reached a resolution of his issue with regard to the subpoena.
7 And I believe he will tell you that they are going to withdraw
8 their motion.

9 **THE COURT:** Is that right, Mr. McKinney?

10 **MR. MCKINNEY:** Yes, Judge. We've had a chance to
11 resolve the concerns and I think the agreement is basically
12 that I'm going to provide them with a written outline of what
13 the -- our requested retainer is for, and they will forward it
14 and we will begin work immediately. And they've also provided
15 a better outline in response to my objections to the
16 generalness of the subpoena and we'll begin working with the --
17 with a new outline that Ms. McGonagall (sic) has provided us.

18 **THE COURT:** Okay, so it sounds like that's resolved.
19 I'm going to terminate that motion then, okay, Mr. McKinney?

20 **MR. MCKINNEY:** Yes, Judge, thank you.

21 **THE COURT:** All right. And so you want to get off
22 the phone now or do you want to --

23 **MR. MCKINNEY:** I would appreciate it.

24 **THE COURT:** Or do you want to stay and listen but
25 you're -- okay, thank you, you can be excused if you'd like.

1 **MR. MCKINNEY:** Thank you, Judge, I appreciate it.

2 **(Mr. McKinney excused)**

3 **THE COURT:** Okay, Mr. Chriss?

4 **MR. CHRISS:** Yes, your Honor. In accordance with the
5 Court's standing order and the initial pretrial conference
6 order scheduling order the Court entered, we just want
7 permission to file two motions. One is motion to compel
8 answers to interrogatories and the other is a motion for
9 protective order and to quash with respect to three subpoenas
10 of corporate officers or individuals who are part of my client,
11 the condominium council. We've already filed objections to the
12 subpoenas. We're going through documents and agreed to or were
13 going to produce some documents in response to -- or to
14 supplement our responses to request for documents, request for
15 production under Rule 34. But what happened in the case is --
16 well, we can just take them one at a time.

17 The motion to compel's very simple. At the initial
18 pretrial conference, Lexington demanded that we answer their
19 interrogatories by giving them specific information about
20 everything that was damaged and how much it cost. We did that
21 to the penny in accordance with the Court's order. When we
22 asked them to do the same thing, they refused to do it. And
23 I've asked them four times and they refused four times. And
24 they're entitled to know what we say the damages are; we're
25 entitled to know what they say the damages are. That's all

1 we're asking.

2 **THE COURT:** Okay, let me let Mr. Dennis respond to
3 that then, to that motion to compel --

4 **MR. DENNIS:** Yes, this is --

5 **THE COURT:** -- regarding the answers to the
6 interrogatories.

7 **MR. DENNIS:** Yes, your Honor. There appear to be I
8 believe five interrogatories at issue which we outlined in our
9 letter. Interrogatories five -- or interrogatory number five
10 has nothing to do with costs. It has to do with identifying
11 the names and addresses of --

12 **THE COURT:** Okay, well, can I do this? Let me just
13 make sure what -- Mr. Chriss, if you want to direct the Court
14 to which interrogatories; is it the ones that are set forth
15 here in Mr. Dennis's letter or --

16 **MR. CHRISS:** Yes, they are, Judge.

17 **THE COURT:** Okay.

18 **MR. CHRISS:** Number five simply asks them who was
19 involved essentially in the adjustment of the claim. They
20 won't answer that. They just refer me to 45,000 pages of
21 documents. And then six, seven, eight, nine, ten, 11, 12 all
22 ask essentially what their current belief is with respect to
23 the amount of the claim. One of the reasons this is important,
24 your Honor, is because I received a letter from Lexington a
25 year ago where they said that once we provided them with

1 information to the effect that we had completed repairs, a
2 sufficient amount of repairs, they were holding \$2 million that
3 they would pay to my client. They not only will not pay that
4 \$2 million to my client, they won't tell us why they won't pay
5 that money to our -- to my client, nor will they --

6 **THE COURT:** Okay.

7 **MR. CHRISS:** -- tell us how much money they think
8 they owe my client.

9 **THE COURT:** All right, so go ahead, Mr. Dennis.

10 **MR. DENNIS:** Yes, your Honor. This is James Dennis.
11 Interrogatory number five asks for the names and addresses of
12 persons who participated in the investigation. As we responded
13 in our interrogatory response, all of those folks were
14 identified in Lexington's mandatory initial production, our
15 initial disclosure. So all those folks were identified many,
16 many months ago. And Mr. Chriss has never objected to that
17 since --

18 **THE COURT:** So --

19 **MR. DENNIS:** -- and so asking --

20 **THE COURT:** I'm sorry, and I'm sorry, it's kind of
21 hard when we do phone conferences because I like to cut in just
22 to kind of wrap up each little section. But so the defense is
23 saying any response to interrogatory six would have been
24 covered in the --

25 **MR. DENNIS:** Five.

1 **THE COURT:** -- initial disclosures.

2 **MR. DENNIS:** It's number five, your Honor.

3 **THE COURT:** And you would have specified that that
4 was what was this asking for the -- anybody participating in
5 any investigation, that all of those names would have already
6 been given? Because the initial --

7 **MR. DENNIS:** Yes, your Honor.

8 **THE COURT:** -- disclosure sometimes has some wording.
9 It says something about you're identifying people that you may
10 use to support your claims. So when I read this interrogatory
11 number six, I just thought, well maybe we're just trying to
12 make sure there's no other people involved. But so you're
13 saying everyone who may have been involved in any investigation
14 of any type has already been identified.

15 **MR. DENNIS:** Those people went on our initial
16 disclosure and there are also documents, there are reports and
17 letters in our document production. To the extent that there
18 may have been one or two names that we missed, they're on the
19 reports and letters that those folks issued.

20 **THE COURT:** Okay. You want to say anything on that,
21 Mr. Chriss, on --

22 **MR. CHRISS:** Yeah, --

23 **THE COURT:** -- interrogatory five?

24 **MR. CHRISS:** Yeah. This is just the exactly the
25 same -- the Court told me that's not good enough and you need

1 to go ahead and answer the interrogatory. I'm simply asking
2 for the same courtesy from the other side. The initial
3 disclosures tell you who you're going to rely on to prove your
4 case.

5 **THE COURT:** Right. So I would -- I mean, this
6 interrogatory number five is a little bit different than what
7 the initial disclosures require, I mean, because it could
8 capture more people. It's my understanding defense is saying
9 there's not any more people. But it is a little bit different,
10 Mr. Dennis, right?

11 **MR. DENNIS:** It's arguably worded differently, your
12 Honor, but I don't think it captures any more people.

13 **THE COURT:** Okay, well, how many people are we
14 talking about? Because would it be that big a deal to just put
15 them down as an answer?

16 **MR. DENNIS:** Here's what -- your Honor, we probably
17 already spent more time on this than it's worth.

18 **THE COURT:** Yes.

19 **MR. DENNIS:** I will go back to the initial
20 disclosures. If there's anybody else that we would identify,
21 we'll send the names.

22 **THE COURT:** Okay. So how many people are we talking
23 about in your initial disclosures, though?

24 **MR. DENNIS:** I'd have to pull it up, your Honor.

25 **THE COURT:** Okay, well, I tell you what, just make it

1 easier for the Court, just answer that interrogatory, okay?

2 **MR. DENNIS:** Very good, your Honor.

3 **THE COURT:** All right, very good, let's move on. So
4 we are looking at six. Mr. Dennis listed six, nine, and ten,
5 correct, Mr. Dennis?

6 **MR. DENNIS:** Yes, your Honor.

7 **THE COURT:** Okay, you can proceed.

8 **MR. CHRISS:** Yes, Judge, --

9 **MR. DENNIS:** On number --

10 **MR. CHRISS:** Who would you like to proceed, your
11 Honor.

12 **THE COURT:** Well, I was going to see -- let
13 Mr. Dennis respond.

14 **MR. CHRISS:** Okay.

15 **MR. DENNIS:** On number six, your Honor, the
16 interrogatory which you have in front of you is extremely
17 broad. It's basically asking us to describe the entire
18 litigation which obviously is not properly the subject of an
19 interrogatory. Secondly, the interrogatory is -- it's very
20 difficult if not impossible to even understand. Further, there
21 are a number of aspects of this claim that were never submitted
22 to Lexington as part of the claim. These are documents and
23 items that have been identified by Sandpiper since this
24 litigation commenced. And we are going through the thousands
25 of documents that have been produced in support of those. So

1 in short, the document request is extremely overbroad, it asks
2 for information that we don't even necessarily have yet, and
3 shouldn't -- I mean, we shouldn't be obligated to answer this
4 type of broad interrogatory basically saying, tell me all about
5 your case, tell me all about your defenses, tell me all about
6 your issues, and tell me how it all works, which is basically
7 what this interrogatory is.

8 **THE COURT:** Okay. Mr. Chriss?

9 **MR. CHRISS:** That's not what the interrogatory asks,
10 Judge. It simply asked how the occurrences and damages
11 (indisc.) the basis of this suit occurred and what their claim
12 or contention is with respect to any cause or contributing
13 cause of those damages.

14 **THE COURT:** Yeah, I really don't see that as being
15 overbroad, Mr. Dennis.

16 **MR. DENNIS:** Well, your Honor, for instance, one of
17 the large items that has been claimed in this matter is that
18 Lexington has to pay to fix or replace every exterior window
19 and sliding door on the building. Now, during discovery, one
20 of the things that we found out is that many of the issues that
21 have been complained of that were allegedly caused by Harvey
22 have preexisted at that building for many years. Now,
23 obviously, you know, the documents in support of that and those
24 types of items are not something that we would have known
25 absent discovery in this case and which we will not have full

1 information on until discovery --

2 **THE COURT:** Okay, but --

3 **MR. DENNIS:** -- is concluded.

4 **THE COURT:** -- you know you're going to make that
5 contention, right, that there was preexisting damage, right?
6 That's what it sounds like.

7 **MR. DENNIS:** Yes.

8 **THE COURT:** Okay, then you would say that, right?

9 **MR. DENNIS:** That would certainly be an answer as of
10 today but it would certainly not be a complete answer --

11 **THE COURT:** Well, you --

12 **MR. DENNIS:** -- and if my client --

13 **THE COURT:** -- need to just answer as of today,
14 right, what you know today, what your contentions are, what
15 your claims are, right? You're supposed to do that anyway
16 under the rules. You may not know --

17 **MR. DENNIS:** Well, --

18 **THE COURT:** -- everything but what you do know, you
19 answer, right? So remember when you were pressing --

20 **MR. DENNIS:** Yes.

21 **THE COURT:** -- Mr. Chriss the other day when we were
22 here on a discovery matter and we kept -- and then I started
23 pressing him, too, to get me some information? Okay, that --
24 I'm starting to feel that that's what you're going to make me
25 do to you now.

1 **MR. DENNIS:** Well, your Honor, the two situations are
2 not parallel.

3 **THE COURT:** No, well, --

4 **MR. DENNIS:** The issue that I pressed --

5 **THE COURT:** I'm sorry, let's move on. Why -- you
6 need to respond to that interrogatory number six. What are
7 your contentions, of preexisting damage or whatever it may be,
8 what's wrong with responding like that?

9 **MR. DENNIS:** It is premature, your Honor, because
10 what's going to happen is that if I respond today and then
11 Mr. Chriss deposes my client 60 days or 45 days from now, then
12 I'm going to supplement my response to this interrogatory at
13 some time in the future, and then the testimony from my client
14 at that point will not be accurate.

15 **THE COURT:** Oh, my goodness. I think you have this
16 all wrong. You need to respond what you know when you're
17 answering that interrogatory. Things may change and then you
18 supplement. Is that not the way you do --

19 **MR. DENNIS:** Yes, your Honor.

20 **THE COURT:** Okay.

21 **MR. DENNIS:** Yes, your Honor, obviously we have to
22 supplement. That's --

23 **THE COURT:** It's not premature.

24 **MR. DENNIS:** -- no question about that.

25 **THE COURT:** How can it be premature? You know what

1 your claims are right now, at least the one of preexisting
2 damage, correct?

3 **MR. DENNIS:** Yes, your Honor.

4 **THE COURT:** Okay, answer the question, all right?

5 **MR. DENNIS:** Yes, your Honor.

6 **THE COURT:** All right, let's move on to what's next.

7 **MR. CHRISS:** He --

8 **MR. DENNIS:** Number nine.

9 **THE COURT:** Okay.

10 **MR. CHRISS:** Number nine is the one that counsel has
11 identified. He identified these interrogatories, Judge. The
12 ones that I want answered include number nine, but I also want
13 number eight answered and number ten and number 11 and number
14 12. I had identified those to counsel during our conference.
15 And so number seven asks if you contend you're not -- it's the
16 same, it's basically another version of the same inquiry. "If
17 you contend you're not liable for the damages or costs suffered
18 by the Plaintiff, state why."

19 **THE COURT:** How about I do this? At least on the
20 contention ones, now knowing how the Court is -- would rule on
21 those, Mr. Dennis, why don't you attempt to answer them? And
22 we can certainly reconvene or the Plaintiffs can file their
23 motion to compel if you all can't agree on that. Or but if
24 they're related to the -- or same type of question, what's the
25 contention, what's your claim, and you weren't willing to

1 answer it looks like just from looking at interrogatory number
2 six, I've told you now answer the question, can you go back and
3 review and now that you know how the Court may rule on these
4 matters?

5 **MR. DENNIS:** Yes, your Honor.

6 **THE COURT:** Which would cover -- which one are the
7 contention interrogatories then?

8 **MR. CHRISS:** Those would cover seven, eight, ten, 11,
9 and 12.

10 **THE COURT:** Okay.

11 **MR. CHRISS:** And that just leaves number nine then,
12 your Honor, which just asks --

13 **MR. DENNIS:** (Indisc.)

14 **MR. CHRISS:** -- if they have any information
15 pertaining to character, reputation, or credibility of any
16 person who is a party to this case or who has been identified
17 by a party as having knowledge of relevant facts. It's a
18 standard interrogatory that just so that we don't get surprised
19 somebody -- where the other side comes in and goes, ah-ha,
20 well, you know, I'm going to wait until the day of trial and
21 I'm going to impeach your witness with the fact that whatever.

22 **THE COURT:** Okay, Mr. Dennis, you want to address
23 number nine?

24 **MR. DENNIS:** Yes, your Honor. The first part of the
25 interrogatory is any information of that type with regard to a

1 party to the case. Now, you know, the Sandpiper is a
2 corporation so there -- I'm not aware of any possible
3 information that could relate to the character of the Sandpiper
4 so I don't think -- you know, that may be a standard
5 interrogatory in a different type of case, but not to this one.
6 Secondly, with regard to the remainder of it where they ask
7 about anybody who has been identified as having knowledge of
8 the facts relevant to the subject matter of the litigation, the
9 Plaintiff has identified 163 people in their initial
10 disclosure. Now, at this point, you know, I don't have
11 information of that type with regard to any of them, --

12 **THE COURT:** Okay, can --

13 **MR. DENNIS:** -- but I don't think --

14 **THE COURT:** Then you say that, right? And if
15 anything comes along, especially as you're getting closer to
16 trial, you supplement that. If you don't have any information
17 on them, you say you don't have any on them on any of the
18 parties. If something comes up, because the Plaintiffs don't
19 want to be surprised at trial with some of this evidence that
20 may come in, you would supplement, right?

21 **MR. DENNIS:** Normally, your Honor, that would be
22 correct if we had a scope of the folks who are going to show up
23 at trial. I don't think that anybody seriously contemplates
24 bringing 163 witnesses to trial.

25 **THE COURT:** Okay, that's a different issue than what

1 this interrogatory number nine asks. If you don't have
2 anything on anyone or know anything at all, you would answer
3 that, right? And if something comes up on one of these people,
4 then you would supplement it. Now, you all want to talk about
5 who are we really talking about here, I mean, we can do that, I
6 guess. Mr. Chriss, do you want to address that?

7 **MR. CHRISS:** Well, Judge, I don't -- I'm hoping I
8 won't have to call 163 people as witnesses. I'm hoping that it
9 won't take that long to try this case. I don't know if I'm
10 going to have to call every contractor and subcontractor who
11 did work on Sandpiper. There's been \$10 million worth of work
12 done to Sandpiper and I don't know if I'm going to have to call
13 every one of those people to testify that their costs are
14 reasonable and necessary. I just don't know. I don't know.
15 What I do know is that I don't want to be surprised.

16 **THE COURT:** Yeah.

17 **MR. CHRISS:** That's all I know.

18 **THE COURT:** I think interrogatory number nine needs
19 to be responded to by the defense so -- if you don't have
20 anything, you just say I don't know anything. You know, you've
21 been a lawyer long enough, things come up on different
22 witnesses as you're coming up through trial. And if something
23 like that comes up regarding character reputation or whether
24 they're credible or not that you -- it's going to come in
25 during the trial, you need to let the other side know. That's

1 what that's about.

2 Now, in terms of the other contention
3 interrogatories, what Mr. Chriss mentioned were interrogatories
4 seven, eight, ten, and 11, it's my understanding you're going
5 to go back and look at those, Mr. Dennis, see if you can
6 respond. When you do respond, if Mr. Chriss feels he still
7 needs to file his motion to compel, then you can do that,
8 Mr. Chriss. And then I'll -- what we'll usually do is do a
9 short turnaround on any response and then we have a hearing on
10 it. Mr. Chriss?

11 **MR. CHRISS:** Thank you, your Honor. The only other
12 issue that I have is with respect to -- is a motion for
13 protective order that really has two components. The first --
14 and both of them are addressed in my brief letter to the Court.
15 The first is on the subject of privilege logs. We have been
16 demanded repeatedly to produce more and more privilege logs.
17 And we have produced in essentially something like over 200
18 pages of privilege logs, and that's because of the broadness of
19 the Defendant's request for documents. And I know that courts
20 in general don't like discovery disputes; they have many more
21 things to do. And so I really tried hard to avoid being here
22 today. I've tried to be as agreeable as possible. When we
23 serve our request for documents on the Defendant, the response
24 we got was, we're not going to do privilege logs for anything
25 that happened after the lawsuit was filed. And so my -- all I

1 want is equal treatment, again. All I want is equal treatment.
2 I wish they had told me that before they demanded --

3 **THE COURT:** But --

4 **MR. CHRISS:** -- that I produce these (indisc.)

5 **THE COURT:** I know, but I don't think either side can
6 just take that position, anything after "X" date is, you know,
7 privileged or whatever it may be, because that's not
8 necessarily so, right?

9 **MR. CHRISS:** No, that's not necessarily --

10 **THE COURT:** Yes.

11 **MR. CHRISS:** -- not anything, your Honor, --

12 **THE COURT:** Right.

13 **MR. CHRISS:** -- certainly not. But I'm talking about
14 proportionality. What I'm talking about is that under the
15 Federal rules, discovery has to be proportional. And there's -
16 - I agree, there's no need for us to produce privilege logs for
17 materials that have been generated once the lawsuit was filed.
18 I mean, otherwise, every time I make a note on a file folder, I
19 got to Xerox it and put it on the privilege logs. That doesn't
20 make any sense. All I'm asking is for the same protection that
21 counsel has arrogated to himself in response to my request for
22 (indisc.)

23 **THE COURT:** Okay, let me hear from Mr. Dennis on that
24 then.

25 **MR. DENNIS:** Yes, your Honor. This issue is really

1 not about privilege logs per se. This issue is the issue that
2 we identified in our letter to the Court and that we have
3 spoken to Mr. Chriss about, which is that Plaintiff's position
4 is that every document of any relevance to this matter among
5 the Sandpiper board of directors, the unit owners, and their
6 managing agent is attorney work product privileged. And they
7 put all those things on a log and the log gives you the date,
8 the document, no substance of it, and the privilege assertion
9 is simply work produce. And as we discussed in our letter,
10 that just can't possibly be right. There are obviously
11 documents created after March 8th of 2018, many of them have
12 been produced already by Mr. Chriss which are not privileged
13 which are relevant to the action. And so our position is that
14 the documents -- there cannot be just a blanket statement that
15 as of March 8th, 2018, all relevant documents after that date
16 are work product privileged. That can't be right. But that's
17 the position that Sandpiper has taken. And the privilege log
18 that they have produced is in accord with that.

19 **THE COURT:** Okay.

20 **MR. DENNIS:** So we think that that cannot be right so
21 that -- I don't think that privilege can stand.

22 **THE COURT:** Okay. Mr. Chriss?

23 **MR. CHRISS:** First of all, that's not Sandpiper's
24 position. Secondly, that's not what I'm talking about. I'm
25 simply talking about the convenience of not having to produce

1 privilege logs, both of us having the same responsibility with
2 respect to privilege logs.

3 **THE COURT:** Okay, you --

4 **MR. CHRISS:** That's all I'm asking.

5 **THE COURT:** Right. So he was talking about the
6 privilege logs, Mr. Dennis, in terms of not what's privileged I
7 guess or --

8 **MR. CHRISS:** Right, we're working --

9 **THE COURT:** -- how can I say those, yeah, --

10 **MR. CHRISS:** -- through that with them, Judge. We've
11 agreed to go through our privilege logs and look at them, we've
12 agreed to produce additional documents. I just want protection
13 from the Court. Why should I have to produce privilege logs
14 beyond those that they've agreed to produce?

15 **THE COURT:** Right, because --

16 **MR. CHRISS:** That's all.

17 **THE COURT:** -- Mr. Chriss quoted you or quoted
18 Lexington here in his letter he submitted, said that Lexington
19 will not provide any privilege log as to documents after the
20 commencement of this action. So I think he's just looking to
21 be kind of -- wants to do the same thing, right, Mr. Dennis?

22 **MR. DENNIS:** As to -- your Honor, as to the post-
23 litigation privilege log issue which hadn't really been raised
24 by Mr. Chriss prior to the letter, I'm willing to talk to
25 Mr. Chriss and reach an accord on that. But that does not

1 address in any way Sandpiper's privilege assertion of work
2 product after March 8th of 2018. It just doesn't.

3 **THE COURT:** Okay, here --

4 **MR. DENNIS:** We went --

5 **THE COURT:** Can I just butt in real quickly? I know
6 when Lexington submitted their letter, there was several
7 discovery issues, concerns maybe as to how Plaintiff had
8 responded to some things. When I read Mr. Chriss's letter, it
9 didn't sound like maybe you all had conferred on those.

10 **MR. DENNIS:** We have, your Honor.

11 **THE COURT:** Okay.

12 **MR. DENNIS:** At length. We sent a letter to
13 Mr. Chriss on June 10th setting forth almost verbatim the
14 issues to the Court. We then sent an email to the Court and
15 Mr. Chriss indicating that we thought this might be a necessary
16 motion. We met and conferred with Mr. Chriss on June 13th. On
17 June 14th, I sent Mr. Chriss a letter confirming Sandpiper's
18 position as I understood it, which is that all post-March 8th,
19 2018 documents among Sandpiper's board of directors, the
20 managing agent, and Borden are all work product privilege.
21 And, I mean, he confirmed that to us during our meet-and-
22 confer.

23 **THE COURT:** Okay, let me -- Mr. Chriss, maybe I
24 misread that.

25 **MR. CHRISS:** Your Honor, what happened -- maybe

1 there's some confusion. And it's just up to the Court how you
2 want to handle this. What happened was I -- we had had
3 multiple conferences about all of these issues, the ones I
4 mentioned, the one Mr. Dennis -- the ones Mr. Dennis mentioned.
5 I am familiar with the Court's standing order. I sent an email
6 to Ms. Cortez asking for a pre-motion conference. She did not
7 hear back from us for a while and sent an email to us saying,
8 do the parties still need a pre-motion conference. Mr. Dennis
9 responded and said, well, I don't know, we have to confer with
10 Mr. Chriss some more. We conferred some more. The issues that
11 I wanted a pre-motion conference on were not resolved so I
12 wrote Ms. Cortez back and said, yes, we still need a pre-motion
13 conference. And when she scheduled the pre-motion conference,
14 what counsel did was take it upon himself to use that as an
15 opportunity to write this ten-page letter about things that
16 he's interested in. But he never asked for a pre-motion
17 conference. I'm not prepared to discuss those things with the
18 Court today. I'm here to discuss the two motions that I've
19 indicated I would like to file and I need permission to file.
20 That's --

21 **THE COURT:** Okay.

22 **MR. CHRISS:** -- the dispute. If the Court wants to,
23 you know, take the whole ball of wax, we can do that. But I'm
24 still trying to cooperate with counsel with respect to all the
25 issues that he's raised.

1 **THE COURT:** Okay. So, Mr. Dennis, what was set
2 today, it's what it seemed like, was the pre-motion conference
3 that Plaintiffs had their two issues. You provided some
4 additional information where there's concerns by the defense.
5 My understanding you guys were still talking and conferring on
6 that, right, Mr. Dennis, or no?

7 **MR. DENNIS:** No. On the issues that are raised in my
8 letter to the Court, and I'm a little surprised at this, but
9 the issues raised in our letter to the Court, Mr. Chriss has
10 told us, those are his positions. There are some other issues
11 that we are working on and that hopefully we'll resolve. But
12 the issues raised in my letter to the Court have been on the
13 table with Mr. Chriss since June 10th. And we did advise the
14 Court that we wanted to have a pre-motion conference on these
15 issues.

16 **THE COURT:** Okay, so -- and, Mr. Chriss, maybe you
17 can just respond generally to this. So it appears from reading
18 the first portion of the defense's letter, the concern is this
19 blanket assertion about privileges for documents after the
20 March -- I believe it was the March 8th, 2018, and then what
21 kind of goes along with, there are the different privileges and
22 then who would be covered by that and then whether there was a
23 waiver. And then you kind of go through some alternative
24 arguments there. So do you want to address that, Mr. Chriss,
25 as to the Plaintiff's position?

1 **MR. CHRISS:** I'm happy to address --

2 **THE COURT:** Okay.

3 **MR. CHRISS:** -- that, your Honor. In fact, what I'd
4 like to do, if it is -- if the Court please, is I have a
5 document dated March the 8th that I'd like to tender to the
6 Court in-camera that --

7 **THE COURT:** Okay.

8 **MR. CHRISS:** -- indicates why I believe that March
9 the 8th is the date that Sandpiper anticipated litigation.

10 **THE COURT:** Right. But I think one of the concerns
11 is just because some -- there may be some privileged documents
12 that are after March 8th, but it's not every document, right?

13 **MR. CHRISS:** That is correct, your Honor.

14 **THE COURT:** Okay, so --

15 **MR. CHRISS:** It is not every document.

16 **THE COURT:** -- because that's the theme I was reading
17 through Mr. Dennis's letter here that you're --

18 **MR. CHRISS:** No, what Mr. Dennis is very careful in
19 phrasing what he's saying. It is Sandpiper's position that
20 internal communications among members of the board of directors
21 and their -- and/or their attorneys and their other agents and
22 consultants after the anticipation of litigation are privileged
23 as work product. They're either privileged as work -- they're
24 either protected as work product under the Federal rules or
25 they're privileged as work product, which is a different

1 privilege, under this -- under the -- under Texas law, Texas
2 substantive evidentiary law. And what -- and the legal -- just
3 to let the Court know, to get to the nut of the issue, the
4 legal disagreement that we have with counsel is I believe that
5 in this diversity of citizenship case, *Erie Railroad versus*
6 *Tompkins* requires that the Court recognize Texas State law
7 privileges, not just the attorney-client privilege but also the
8 party communications in anticipation of litigation privilege
9 which is gone -- goes under the same name of work product. But
10 under Texas law, it's specifically defined as a privilege. And
11 as the Court knows, Federal Rule 501, Federal Rule of Evidence
12 501 requires that the Court look to State law in determining
13 what is privileged and what is not. There is no rule of
14 evidence that sets out attorney-client privilege. That you
15 have to look at the Texas rules of evidence to find it. Same
16 thing is true, there's a work product protection under the
17 Federal rules that is narrower than the Texas State work
18 product privilege, and it's that privilege which protects all
19 internal communications between Sandpiper and its agents
20 concerning the subject matter of the litigation.

21 **THE COURT:** All right, Mr. Dennis?

22 **MR. DENNIS:** Yes, your Honor. Number one, it's our
23 position that Federal law applies to any work product
24 privilege, and we cited case law to that effect in our letter,
25 and that's the rule as, you know, best we understand it.

1 **THE COURT:** Okay, then the first thing --

2 **MR. DENNIS:** With regard --

3 **THE COURT:** -- you all are going to have to do is
4 kind of brief that issue, whether State --

5 **MR. CHRISS:** And I'm happy to do --

6 **THE COURT:** -- law applies.

7 **MR. CHRISS:** I'm happy to --

8 **THE COURT:** Yeah.

9 **MR. CHRISS:** -- do that, your Honor.

10 **THE COURT:** Okay. Go ahead, Mr. Dennis, sorry.

11 **MR. DENNIS:** Secondly -- it's okay, thank you, your
12 Honor. With regard to the documents as to which work product
13 is asserted, there are obviously documents among the Sandpiper
14 board of directors, there were board of director meeting
15 minutes, there are communications with the unit owners that are
16 after March 8th, 2018, and which relate to the facts of this
17 case and the issues of this case. And those documents were
18 created for the purposes not of this litigation but of running
19 the building and repairing the building. And indeed Mr. Chriss
20 and Sandpiper have actually produced already a number of those
21 documents. It is not correct to say that because Sandpiper may
22 have been interviewing counsel on March 8th of 2018 that every
23 relevant document among Sandpiper board of directors, unit
24 owners, and the managing agent of Sandpiper is therefore work
25 product. That's just -- it's just incorrect. It can't make

1 any --

2 **THE COURT:** Okay.

3 **MR. DENNIS:** -- sense, your Honor, because not every
4 one of those documents is created for the purpose of this
5 litigation.

6 **THE COURT:** Mr. Chriss, you're saying everything's
7 protected (indisc.) --

8 **MR. CHRISS:** I'm saying the internal communications
9 within my client and its agents, representatives, and
10 consultants concerning the subject matter of the litigation are
11 by definition privileged under Texas law.

12 **THE COURT:** I think you all are talking about two
13 different things maybe.

14 **MR. CHRISS:** I think so, too, Judge.

15 **THE COURT:** Yeah.

16 **MR. CHRISS:** I think so, too.

17 **THE COURT:** So --

18 **MR. DENNIS:** I don't think so, your Honor. I
19 respectfully disagree. I think we're talking about the same
20 thing.

21 **THE COURT:** You want everything and Mr. Chriss is
22 saying some things are privileged, right?

23 **MR. DENNIS:** Some -- and, yes, your Honor. And in
24 fact some things may in fact be work product privilege. I
25 don't disagree.

1 **THE COURT:** Okay.

2 **MR. DENNIS:** But for instance I have, because they've
3 been produced to me, board of director meeting minutes from
4 November of 2018 and October of 2018 which on the one hand
5 Mr. Chriss says are privileged, on the other hand, they've been
6 produced. They are clearly internal documents as Mr. Chriss
7 describes them. They relate to the issues in this case, and
8 they are --

9 **THE COURT:** Okay, and he produced them.

10 **MR. DENNIS:** -- manifestly not privileged.

11 **THE COURT:** And he produced them, right?

12 **MR. DENNIS:** But they are --

13 **MR. CHRISS:** (Indisc.)

14 **MR. DENNIS:** -- obviously thousands of others as to
15 which the position is just being taken with no explanation to
16 us that they are just privileged because they are after March
17 8th. That's it. That's all the --

18 **THE COURT:** Yeah, and --

19 **MR. DENNIS:** -- explanation that we've been provided.

20 **THE COURT:** And that can't be. I mean, it's not just
21 because they're after March 8th. They have --

22 **MR. CHRISS:** They're privileged because they're
23 internal communications. It's exactly what I (indisc.) --

24 **THE COURT:** Yeah.

25 **MR. CHRISS:** -- Judge.

1 **THE COURT:** Yeah.

2 **MR. CHRISS:** I'm not -- I've given him invoices, I've
3 given him engineering reports, I've given him bills, I've given
4 him collations of bills. I'm not claiming those things are
5 privileged. I'm simply -- and counsel knows that we have told
6 him, it's in his most recent letter to me, his June 14th letter
7 to me, he knows -- he's asked me, do you think that maybe you
8 produced some of these meeting minutes inadvertently because
9 they're after your March the 8th, 2018 deadline, and I've told
10 him, yes, I need to go back and look at those meeting minutes
11 because that might have been a mistake because we produced
12 hundreds of thousands of documents in this litigation. And so
13 he can't make up his mind. On the one hand, I've waived the
14 privilege because I produced too much; on the other hand, I
15 haven't produced enough. I mean, it's -- we just keep going
16 around in circles --

17 **THE COURT:** Yeah, I know.

18 **MR. CHRISS:** -- in this case.

19 **THE COURT:** And we're going around in circles here,
20 too. So for the pre-motion conference purposes then, we
21 addressed the Plaintiff's two matters before the Court, so I do
22 need to get a date when you might be able to respond,
23 Mr. Dennis, if you're going to be so inclined to do your
24 supplemental response to interrogatories seven, eight, ten, 11,
25 and 12, that way if you don't add anything or if you do add

1 something and it's not enough for the Plaintiffs, they know to
2 go ahead and file their motion to compel. So when -- what
3 dates can you give me as to when you're going to look at
4 those --

5 **MR. DENNIS:** Looking at that calendar right now, your
6 Honor.

7 **THE COURT:** Okay.

8 **MR. DENNIS:** We have July 17th just because we've got
9 the holiday intervening.

10 **THE COURT:** Okay, --

11 **MR. CHRISS:** That's --

12 **THE COURT:** -- that's fine. And so then we needed to
13 talk further on the protective orders. Did you all get on the
14 same page on that? You all are kind of talking and --

15 **MR. CHRISS:** Well, we're --

16 **THE COURT:** -- different --

17 **MR. CHRISS:** We still need to talk about the reason
18 that I'm here in connection with the protective order.

19 **THE COURT:** Okay.

20 **MR. CHRISS:** And that is that after we responded to
21 65 requests for documents, what Lexington basically did was
22 they sent subpoenas, they served subpoenas -- well, actually
23 they sent the subpoenas to me and I agreed to accept service.
24 They subpoenaed the president and treasurer of the board of
25 directors of my client to produce the same documents that they

1 had already requested under Rule 34, and in addition a couple
2 of extra categories of documents, one of which was for them to
3 produce all of Sandpiper's communications with me, Ms. Snapka,
4 and any other lawyers in our --

5 **THE COURT:** Okay, and I did see that. I mean, you're
6 asking for attorney-client privilege, Mr. Dennis.

7 **MR. DENNIS:** No, your Honor, we're not.

8 **THE COURT:** Okay, but was -- did he quote you
9 correctly in the letter? Did Mr. Chriss -- or where is it?

10 **MR. DENNIS:** The --

11 **THE COURT:** Let me find it.

12 **MR. CHRISS:** I believe it's on page three of my
13 letter, your Honor.

14 **THE COURT:** Let me get there because -- "all
15 documents concerning all communications between Sandpiper and,"
16 and then there's other things that go on among many others,
17 "Plaintiff's counsel."

18 **MR. DENNIS:** Here is the issue, your Honor. There
19 appear to be at least some documents which relate to the facts
20 of the case which were copied, for instance, to Mr. Chriss or
21 to another lawyer. Now, we all know that that document would
22 not be privileged, even though it's copied to Mr. Chriss. And
23 the same would apply to my client. So that's what we're
24 looking for here. I'm not asking Mr. Chriss to produce
25 communications with his client related to his retention or

1 other privileged matter. That's the scope of this.

2 **MR. CHRISS:** Judge, there are no --

3 **MR. DENNIS:** Not of his --

4 **MR. CHRISS:** I have no communication with my client
5 that isn't in the pursuit of my professional obligation and the
6 rendering of legal advice. My client --

7 **THE COURT:** Well, --

8 **MR. CHRISS:** -- doesn't blindly --

9 **THE COURT:** -- I mean, here --

10 **MR. CHRISS:** -- copy me on correspondence just so
11 just for the heck of it.

12 **THE COURT:** I just think that needs to be narrowed.
13 If that was in the subpoena, that was what was requested, then
14 the request is way too broad because you're covering attorney-
15 client privileged communications, right, Mr. Dennis?

16 **MR. DENNIS:** Your Honor, the only way to -- I guess
17 if you wanted to, if one wanted to create an issue or a
18 dispute, one would read that that way. But that is not what
19 we're looking for.

20 **THE COURT:** Okay, does it read --

21 **MR. DENNIS:** If it --

22 **THE COURT:** -- as it states here? Does it read as it
23 states here, because there's some -- you know, there's extra
24 language in there so that may clarify some things. But what
25 Mr. Chriss put here at the top of page three is that you

1 requested all documents concerning all communications between
2 Sandpiper and Plaintiff's counsel. There may be other things
3 in there. And if you did that, that needs to be narrowed,
4 right, modified?

5 **MR. DENNIS:** Well, --

6 **MR. CHRISS:** I've handed the actual subpoena to --

7 **MR. DENNIS:** Your Honor, we would modify it -- we
8 will look at it, your Honor, and narrow that request to the
9 extent that it includes documents with counsel.

10 **THE COURT:** Right, okay. What else on the
11 protective --

12 **MR. DENNIS:** But --

13 **THE COURT:** -- order, Mr. Chriss?

14 **MR. CHRISS:** Your Honor, since --

15 **MR. DENNIS:** Well, your --

16 **THE COURT:** Oh, --

17 **MR. CHRISS:** Go ahead.

18 **THE COURT:** -- sorry, Mr. Dennis, yes?

19 **MR. DENNIS:** Yes, your Honor. We served the subpoena
20 on only three of the board members. There are dozens of board
21 members who were involved in this matter over the years. And
22 when we sent document request to the Sandpiper and we got back
23 the response, we asked them, well, did you, you know, look for
24 board member emails that are on their own computers? And
25 Mr. Chriss said, well, we asked but those documents are not in

1 the possession, custody, or control of the Sandpiper. So since
2 they're not in the possession, custody, or control of
3 Sandpiper, Sandpiper obviously is not obligated to produce the
4 documents that might be on a board member's computer and their
5 emails and so we sent three subpoenas to that small group of
6 folks to make sure that if there are documents that they
7 exchanged on their own computers that were not copied to the
8 management company, and it's not disputed that there are such
9 things, that we have a request out there for those. That's all
10 this is. If the documents are not in the possession, custody,
11 or control of Sandpiper, then the only other thing that I can
12 do is to subpoena a nonparty. I don't understand what the
13 difficulty is or why that's inherently improper.

14 **MR. CHRISS:** Well, it is improper, Judge. And I
15 really -- I hate this he said/she said stuff. I -- you know,
16 I -- this should never happen. But now I have to say that's
17 not what happened. What happened is I responded to the request
18 for production under Rule 34 that were directed to Sandpiper.
19 I asked all of the board members, all of the current board
20 members, to provide me with emails, any emails or
21 communications or documents that they did not copy the
22 management company on so that we wouldn't have it on our server
23 already. I received some documents of that type and I produced
24 them. What then happened is that without any notice to me and
25 without asking me about it, they simply issued subpoenas for

1 the president and treasurer and another former officer of my
2 client to produce the exact same documents that they had
3 already asked me to produce. They didn't call me and say, hey,
4 by the way, I think there might be some other computers you
5 need to check or, did you go and check the -- they didn't do
6 that until after they subpoenaed me. And then once they
7 subpoenaed me, I sent them a one word email which was:
8 "Really?" You send me 65 requests for documents, I respond to
9 them, we discussed them, and then you just go behind my back
10 and subpoena the president of my client to get you the same
11 documents; why didn't you just ask me? Well, because this is
12 not the way they do things. And so what I'm asking is that the
13 subpoenas be quashed. We've already decided that counsel's
14 going to have to go back and refine these categories of
15 documents. I've given the Court the subpoena. They're
16 overbroad. I'm going to supplement my production of the Rule
17 34 request for documents with the documents that these three
18 individuals have provided me and our providing me. But I've
19 already objected to the subpoenas. Under the rules, the
20 witnesses have already objected to the subpoenas. They're not
21 required to respond to the subpoenas. One of them is out of
22 the country on vacation. And I'm just asking that they be
23 quashed because what's supposed to happen -- and I never --
24 again, I'm being misquoted. What I told counsel after he
25 subpoenaed these people, he asked me, did you go and check

1 their computers. And my response was, I -- this is after they
2 subpoenaed me. I said, yes. I did not -- I said, yes, I asked
3 them for documents but I cannot go check their computers
4 because their computers are not in the custody, control, or
5 possession of my client.

6 **THE COURT:** Okay, so on the -- did you file a motion
7 to quash the subpoenas?

8 **MR. CHRISS:** I did not file a --

9 **THE COURT:** Okay.

10 **MR. CHRISS:** -- motion to quash the subpoenas. The
11 reason I'm -- the only reason I'm here asking permission is
12 because I'm a little concerned given the way this litigation is
13 going that a mere objection is not sufficient to preserve my
14 claims of privilege and so I would like to file a motion for
15 protection on behalf of Sandpiper, my client, even though
16 they're not the deponent that's been subpoenaed. And the rules
17 say I'm supposed to file that in the districts where compliance
18 is required. And I -- so I -- and I just didn't want to do
19 that, Judge, without checking with you first because of the way
20 that your orders read.

21 **THE COURT:** Yeah, yeah, yeah, no, I think you need to
22 file that and to give the defense a chance to respond and --

23 **MR. CHRISS:** Okay.

24 **THE COURT:** -- then I can sort it out.

25 **MR. CHRISS:** All right, then that's what we'll do.

1 **THE COURT:** Yes. So we've addressed the motion to
2 compel, I mean at least as to how we're going to go along here
3 for now, correct, Mr. Chriss?

4 **MR. CHRISS:** Yes, your Honor.

5 **THE COURT:** You're going to file a motion to quash.

6 **MR. CHRISS:** Yes. The Court --

7 **THE COURT:** Yes.

8 **MR. CHRISS:** -- has dealt with all of the matters I
9 wanted to talk about.

10 **THE COURT:** Okay. And, Mr. Dennis, what do you need
11 from me?

12 **MR. DENNIS:** Well, your Honor, we think that we
13 should be allowed to file a motion to compel on the issues
14 identified in my June 224th letter to the Court.

15 **THE COURT:** Okay, go ahead. It's my understanding
16 you all have already conferred, you all talked about it. And -
17 -

18 **MR. CHRISS:** Yes.

19 **THE COURT:** -- you all can continue conferring. File
20 your motion. Here's the thing, is I hate on -- we need to set
21 time limits or so because if we just go with the local rules
22 and respond 21 days, that just drags out discovery. So you all
23 want to shorten timeframes in terms of responding to motions to
24 compel?

25 **MR. CHRISS:** Happy to do that, your Honor.

1 **THE COURT:** Okay. So --

2 **MR. CHRISS:** Can we have ten days instead of 21?

3 **THE COURT:** Yes, let's do that, respond within ten
4 days. And that just gets it on the Court's calendar a little
5 quicker and we can reconvene. Mr. Dennis, that sound
6 appropriate to you?

7 **MR. DENNIS:** Your Honor, I don't -- yes. Could we
8 just set dates to make motions? Once again, my only concern --

9 **THE COURT:** Well, --

10 **MR. DENNIS:** -- is that we have --

11 **THE COURT:** -- the problem is I thought you were
12 going to go back and look at the contention interrogatories and
13 that you hopefully are going to respond to what Mr. Chriss
14 finds appropriate. If you don't, he's going to file a --

15 **MR. DENNIS:** Okay.

16 **THE COURT:** -- motion then, so he doesn't need to
17 file it now.

18 **MR. DENNIS:** Okay, very --

19 **THE COURT:** Right?

20 **MR. DENNIS:** Thank you, your Honor.

21 **THE COURT:** Okay. What about the briefing on --

22 **MR. DENNIS:** Understood.

23 **THE COURT:** What about briefing on the privilege
24 regarding the Federal law and the State law in terms of the
25 privilege; do you all want to file that when?

1 **MR. DENNIS:** If we could do it after the July 4th
2 holiday, your Honor, --

3 **THE COURT:** Okay.

4 **MR. DENNIS:** -- I would appreciate it.

5 **THE COURT:** So within two weeks?

6 **MR. DENNIS:** Two weeks of today is (indisc.) can we
7 have until July 12, your Honor?

8 **THE COURT:** That's fine. Mr. Chriss, --

9 **MR. CHRISS:** Yes, your Honor, that's fine.

10 **THE COURT:** -- is that all right? Okay, so what else
11 do I need to do today on the pre-motion conference? Nothing
12 else from the Plaintiff it sounds like. Mr. Dennis?

13 **MR. DENNIS:** I -- just checking, your Honor, to make
14 sure. I think we're covered, your Honor.

15 **THE COURT:** And you're still going to look at the --
16 modifying the subpoenas, right, in terms of what was requested,
17 right, Mr. Dennis?

18 **MR. DENNIS:** I have a note with regard to the scope
19 of the request to counsel.

20 **THE COURT:** Yes.

21 **MR. DENNIS:** And we're going to go back and look at
22 that, yes, your Honor.

23 **THE COURT:** Okay.

24 **MR. CHRISS:** I --

25 **THE COURT:** Nothing else?

1 **MR. CHRISS:** Is that -- are those the subpoenas that
2 I'm fixing to file a motion to quash or (indisc.)

3 **THE COURT:** Well, I know. That's why I was asking
4 because I thought he was going to go back. Are you going to go
5 back and look at the subpoena itself? Maybe we need a deadline
6 to see if Mr. Chriss needs to file a motion to quash.

7 **MR. CHRISS:** Judge, I'm just -- can I just --

8 **THE COURT:** Just file it, go ahead.

9 **MR. CHRISS:** -- go ahead and file my motion? I'll
10 just file it because I --

11 **THE COURT:** And you all can clean it up and confer
12 afterward, you know --

13 **MR. CHRISS:** Right, exactly.

14 **THE COURT:** -- you're just streamlining it --

15 **MR. CHRISS:** That's exactly.

16 **THE COURT:** -- for the Court anyway. So he's going
17 to go ahead and file the motion to quash. Okay, then I think
18 we --

19 **MR. DENNIS:** Okay, can we just have a date for that,
20 your Honor?

21 **MR. CHRISS:** I'll file a motion to quash this week.

22 **MR. DENNIS:** Okay.

23 **THE COURT:** Okay. Anything else, Mr. Dennis?

24 **MR. DENNIS:** Nothing from this end, your Honor.

25 **THE COURT:** All right, then I'll wait on the motions,

1 and you all can be excused.

2 **MR. CHRISS:** Thank you, your Honor.

3 **THE COURT:** Thank you.

4 **MR. DENNIS:** Thank you, your Honor.

5 **THE COURT:** Yes.

6 **(This proceeding was adjourned at 12:25 p.m.)**

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CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

A handwritten signature in black ink, appearing to read "Toni Hudson", is written above a horizontal line.

Signed

July 22, 2019

Dated

TONI HUDSON, TRANSCRIBER